THE TRAVANCORE MATERNITY BENEFIT BILL.

MR. K. G. KUNJUKRISHNA PILLAI: I move that the Travancore Maternity Benefit Bill be read in the Assembly.

The question was put and carried.

MR. K. G. KUNJUKRISHNA PILLAI: This Bill, Sir, is a piece of social legislation. In the Whitley Commission Report, recommendations were made that throughout India, provisions should be made for the protection of women working in perennial factories. Even before the Whitley Commission Report was published, two Provinces, Bombay and the Central Provinces, had made provisions to the same effect. After this Report was published the Madras Government and the Cochin Government have passed similar legislation. The object of the Bill, to put it succinctly, is, to provide for these women working in perennial factories, some vacation and some provision when they are carrying. Two important provisions of the Bill are these. One is to provide for a period of 4 weeks after confinement or after delivery when the employer will have to give her a certain allowance and the second most important provision is with regard to the amount, which has been fixed in the Bill at 14 chuckrams per head. With these words I place the Bill for the consideration of the House.

MR. A. LAKSHMINARAYANA AYYAR: I second it.

MR. K. C. KARUNAKARAN (*Nominated*): Sir, broadly and generally speaking, when this House was legislating on labour problems, the employers as a whole accepted all such legislations without criticism or opposition. They did so, because they felt that the industries of this country are in a nascent state and that if these industries are made to feel from the very beginning, realise their responsibilities that will enable them later on to carry on the relationship with the labour in the desired manner. Moreover, outside industries were showing a tendency to establish themselves in this state. Hence on all these grounds employers thought that there must be uniformity in regard to industrial legislation throughout India. At the same time, the Travancore employers pointed out that economic conditions, conditions of labour and conditions of employment are different in Travancore when compared with the rest of India. The House will agree with me when I say that the industrial and labour conditions in Travancore cannot be compared with those of Calcutta, Bombay and other bigger industrial cities in India. Sir, unlike the Factories Act and the Payment of Wages Act which are of an All-India character, the present Maternity Act is not accepted by all the Provinces and the Indian States. As the Legal Remembrancer pointed out, Maternity Act is in existence in the Central Provinces, Bombay and Karachi and these three Acts differ in some important points.

The Legal Remembrancer drew the attention of the House in regard to the rates which have to be paid to the women before and after the confinement. In this respect I have to draw the attention of the House to the fact that in the Jute, Cotton and other industries the general principle accepted in regard to the payment of wages is on a time basis, while in this State the principle accepted for payment of

LIBRARY ARCHIVES Kerala Legislative Assembly

wages in 95 per cent of the industry is on a piece basis. I mean to say that we are paying in this country in the majority of industries wages by the results. These two systems of payment are very different indeed. What I want to press on the Government is that the rate which is fixed in Calcutta or in Bombay cannot be wholly transplanted into Travancore, where the nature of the industries and the method of payment are entirely different. To illustrate my point, Sir, in Bombay according to the recent Bombay Maternity Amendment Act, 8 As. is the rate which is fixed for the cities of Bombay and Karachi and Ahamedabad, while other rates are fixed for other parts of Bombay Province. In C. P. also this is the case. In places other than Bombay and Karachi and Ahamedabad, the women employed in factories are entitled to the payment of Maternity benefit on their average daily earnings. My point is, Sir, that in drawing up this Act the Legal Remembrancer has overlooked the fundamental difference between the two wage systems. By applying 8 As. rate to our industries, I would emphatically say that it would be very hard for the industries to bear. I should not be misunderstood, Sir, and I am attacking the principle underlying the Bill. I admit that we want some kind of legislation to protect the women; at the same time, we do not want to imitate blindly what is being followed by old regularised and established industrial places in India. If we forget to take our conditions into consideration before we legislate on this matter, we would be simply following other well-organised and well-developed industrial countries with the result that we will be left helpless later on. We are aware, Sir, that the enthusiasm of the labour organisations in England was responsible for the legislation of unemployment insurance which resulted in a form of legalised dole which has hit the English industries very badly. In the same way I do not want to see that some kind of undesirable thing is legalised in this country which would react upon the growing economic position of this country. It is not made clear in the Bill whether it is three months before or after we have to pay this 8 As. rate per day or for actual continuance of the absence. According to us, Sir, one week constitutes 5½ working days. In the Act it is not made clear whether one week is 5½ days or 7 days. That is a point to be made clear in the Act itself. Otherwise there is every chance of putting upon the employers pressure to pay for 7 days instead of 5½ working days a week.

PRESIDENT: That point can be clarified in the Select Committee.

MR. K. C. KARUNAKARAN: Sir, I raise this point because of my past experience of the Select Committees. I do not object to the principle of the Bill, but it is better for the Legal Remembrancer and ourselves to make the points I have put before the House clear, before it is referred to the Select Committee.

PRESIDENT: I take it that the principle of the Bill is that women who are confined, who have given birth to children, should not be enforced by poverty to come back to work for such a time that will imperil their health and future well-being. The payment of rates and all that can be discussed in the Commitee.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. K. C. KARUNAKARAN: Sir, I accept your position. Before I finish permit me, Sir, to raise one more important point. In some of the industrial concerns, particularly up in the Hills, the employers themselves have opened up hospitals and maternity places. It is only fair, Sir, that such employers are exempted from the operation of this Act. That is another important point which this House has to bear in mind in regard to this Bill.

SRIMATI T. NARAYANI AMMA: I have very great pleasure in supporting the principle underlying the Travancore Maternity Benefit Bill. The fundamental object of the Bill, it will be seen, is to make maternity benefit compulsory in respect of women workers employed in factories. The step thus taken is in conformity with the forward and progressive policy which the Government of His Highness the Maharaja have consistently adopted with regard to labour conditions in the State. Th statement of objects and reasons says that the Government are satisfied that it is inadvisable, in the interests of both labour and capital, to postpone legislation enabling women workers to get maternity benefits and rightly have the Government considered so. In fact, steps in this direction ought to have been taken earlier in view of the high position which Travancore occupies in the field of social reform with special reference to the position of women. Anyhow, it is gratifying to find that steps have now been taken to enable Travancore to fall into line with other countries and provinces in regard to this matter. I do not wish, Sir, at this stage to say anything regarding the various provisions of the Bill. Generally they are acceptable except with regard to certain minor matters which I shall deal with later on. For the present, I am concerned only with the general principle underlying the bill, which I have very great pleasure in supporting.

The question that the Bill be read in the Assembly was put and carried.

The Secretary then read the title of the Bill: "The Travancore Maternity Benefit Bill."

MR. K. G. KUNJUKRISHNA PILLAI: Sir, I beg to move that the Travancore Maternity Benefit Bill may be referred to a Select Committee consisting of the following:—

Messrs. S. Chattanatha Karayalar.
E. E. Pandarathil
C. Jebamony Nadar
M. L. Janardhanan Pillai
T. T. Kesavan Sastri
A. K Kumaran Vaidyan
K. C. Karunakaran
N. Narayana Kurup
P. Narayana Pillai
N. Velu Achari, and
Sry. T. Narayani Amma.

MR. A. LEKSHMINARAYANA AYYAR: I second it.

The motion was accepted by the House.

LIBRARY ARCHIVES Kerala Legislative Assembly